

Application No.: 09/840,257  
Atty. Dkt. No: 6512/C1-11 KGL

### Remarks

Applicant respectfully requests reconsideration of the present application in view of the reasons which follow.

Claims 57-81 stand rejected. On entry of this Response, Claim 57 will be amended, and Claims 62, 66 and 72 will be cancelled without prejudice. Accordingly, Claims 57-61, 63-65, 67-72 and 73-81 will be pending.

### Claim Rejections - 35 USC § 102

In section 2 of the Office Action, the Examiner repeated the rejections of Claims 57, 60-63, 67-69, and 72-81 under 35 U.S.C. 102(b) as being unpatentable over Jordan (U.S. 5,885,617).

Independent Claim 57 as amended recites a "capsule comprising 90 to 97% by weight of a polyvinyl alcohol, 2 to 7% by weight of water, a setting system comprising 0.01 to 10% by weight of a hydrocolloid or mixtures thereof, and 0.001 to 5% by weight of cations based on the total weight of the capsule." Similarly, independent Claim 81 recites a "hard capsule comprising 90 to 97% by weight of polyvinyl alcohol, 2 to 7% by weight of water, 0.01 to 10% by weight of hydrocolloids, and 0.001 to 5% by weight of cations based on the total weight of the capsule." Jordan does not disclose a "capsule comprising 90 to 97% by weight of a polyvinyl alcohol, 2 to 7% by weight of water, a setting system comprising 0.01 to 10% by weight of a hydrocolloid or mixtures thereof, and 0.001 to 5% by weight of cations based on the total weight of the capsule."

Independent claim 80 recites "a method of manufacturing a capsule comprising a) forming an aqueous solution comprising 10 to 60% by weight of polyvinyl alcohol, 0.10 to 5% by weight of hydrocolloids and 0.001 to 3% by weight of cations and b) dip molding the aqueous solution to form said capsule." Jordan does not disclose "a method of manufacturing a capsule comprising a) forming an aqueous solution comprising 10 to 60% by weight of polyvinyl alcohol, 0.10 to 5% by weight of hydrocolloids and 0.001 to 3% by weight of cations and b) dip molding the aqueous solution to form said capsule."

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Accordingly, independent Claims 57, 80 and 81 (and their corresponding dependent claims) are not anticipated by Jordan and withdrawal of the rejection of Claims 57-81 is respectfully requested.

Claim Rejections - 35 USC § 103

In section 2 of the Office Action, the Examiner repeated the rejections of Claims 57-81 under 35 U.S.C. 103 as being unpatentable over Jordan, Deters and Yamamoto.

As discussed above, none of the references cited by the Examiner, disclose, teach or suggest, alone or in any proper combination, the elements recited in independent Claim 57 as amended, or Claims 80 and 81. Specifically, none of the references cited disclose, teach or suggest a "capsule comprising 90 to 97% by weight of a polyvinyl alcohol, 2 to 7% by weight of water, a setting system comprising 0.01 to 10% by weight of a hydrocolloid or mixtures thereof, and 0.001 to 5% by weight of cations based on the total weight of the capsule." Furthermore, none of the references cited by the Examiner disclose, teach or suggest "a method of manufacturing a capsule comprising a) forming an aqueous solution comprising 10 to 60% by weight of polyvinyl alcohol, 0.10 to 5% by weight of hydrocolloids and 0.001 to 3% by weight of cations and b) dip molding the aqueous solution to form said capsule."

Because none of the references cited by the Examiner do not disclose, teach or suggest, alone or in any proper combination, the elements recited in independent Claim 57 as amended, or Claims 80 and 81, withdrawal of the rejection of Claims 57-81 is respectfully requested.

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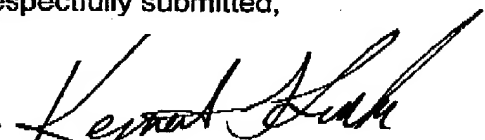
Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 23-0455. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 23-0455. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 23-0455.

Respectfully submitted,

Date October 1, 2004

By



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